



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION V

111 West Jackson Blvd.  
CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF:

JUN 18 1982

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Lawrence Hagan  
Gary Development Company, Inc.  
479 North Cline Avenue  
Gary, Indiana 46406



Mr. Hagan:

As you requested at our June 14, 1982 meeting, I am apprising you of your status in the Federal hazardous waste management system. In completing a review of our files regarding the submission of U.S. Environmental Protection Agency (USEPA) Form 8700-12, we have determined that your facility did not submit this form as required by the Resource Conservation and Recovery Act (RCRA). As a result of that non-submittal, it is USEPA's advisory opinion that your facility does not have interim status as defined in 40 CFR 122.23. Without having interim status or a final Federal RCRA permit your facility is operating as a hazardous waste management facility in violation of RCRA.

The USEPA recognized that many facilities may have failed to submit or be timely with their notifications due to a variety of reasons. Therefore, a policy was established by which the Agency may exercise discretion in allowing those facilities to continue to operate, under a Compliance Order.

Among the items USEPA considers in exercising its discretion is possession of a State permit or license to operate as a hazardous waste facility. The USEPA will not issue an Order allowing a facility to operate unless the State is also allowing the facility to operate. A facility must be sanctioned to operate by both the State and Federal Agencies.

Please feel free to contact me if you have any further questions.

Sincerely yours,

William Miner, Chief  
Technical Programs Compliance Section